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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Health
Division:	Division of Health Care Facilities
Contact Person:	Diona E. Layden Deputy General Counsel
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	227 French Landing, Suite 501 Nashville, TN 37243
Phone:	(615) 741-7221
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Iris Conference Room		
Address 2:	227 French Landing		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	05/01/13		
Hearing Time:	9:00 am	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-08-01	Standards for Hospitals
Rule Number	Rule Title
1200-08-01-.02	Licensing Procedures

1200-08-01-.04	Administration
1200-08-01-.06	Basic Hospital Functions

Chapter Number	Chapter Title
1200-08-02	Standards for Prescribed Child Care Centers
Rule Number	Rule Title
1200-08-02-.02	Licensing Procedures
1200-08-02-.06	Basic Services

Chapter Number	Chapter Title
1200-08-06	Standards for Nursing Homes
Rule Number	Rule Title
1200-08-06-.02	Licensing Procedures
1200-08-06-.06	Basic Services

Chapter Number	Chapter Title
1200-08-10	Standards for Ambulatory Surgical Treatment Centers
Rule Number	Rule Title
1200-08-10-.02	Licensing Procedures
1200-08-10-.04	Informed Consent
1200-08-10-.06	Basic Services

Chapter Number	Chapter Title
1200-08-11	Standards for Homes for the Aged
Rule Number	Rule Title
1200-08-11-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-15	Standards for Residential Hospice
Rule Number	Rule Title
1200-08-15-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-24	Standards for Birthing Centers
Rule Number	Rule Title
1200-08-24-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-25	Standards for Assisted-Care Living Facilities
Rule Number	Rule Title
1200-08-25-.03	Licensing Requirements

Chapter Number	Chapter Title
1200-08-26	Standards for Home Care Organizations Providing Home Health Services
Rule Number	Rule Title
1200-08-26-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-27	Standards for Home Care Organizations Providing Hospice Services
Rule Number	Rule Title
1200-08-27-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-28	Standards for HIV Supportive Living Facilities
Rule Number	Rule Title
1200-08-28-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-29	Standards for Home Care Organizations Providing Home Medical Equipment

Rule Number	Rule Title
1200-08-29-.02	Licensing Procedures
1200-08-29-.06	Basic Agency Functions

Chapter Number	Chapter Title
1200-08-32	Standards for End Stage Renal Dialysis Clinics
Rule Number	Rule Title
1200-08-32-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-34	Standards for Home Care Organizations Providing Professional Support Services
Rule Number	Rule Title
1200-08-34-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-35	Standards for Outpatient Diagnostic Centers
Rule Number	Rule Title
1200-08-35-.02	Licensing Procedures

Chapter Number	Chapter Title
1200-08-36	Standards for Adult Care Homes – Level 2
Rule Number	Rule Title
1200-08-36-.02	Licensure and Renewal

Substance of Proposed Rules

Chapter 1200-08-01 Standards for Hospitals Amendments

Rule 1200-08-01-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (5)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (5)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any hospital without having a license. A license shall be issued only to the applicant named and only for the premises listed in the application for licensure. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the hospital.
- (5) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Rule 1200-08-01-.04 Administration is amended by adding new paragraph (14) as follows:

(14) Informed Consent

- (a) Any hospital in which abortions, other than abortions necessary to prevent the death of the pregnant female, are performed shall conspicuously post a sign in a location defined below so as to be clearly visible to patients, which reads:

Notice: It is against the law for anyone, regardless of the person's relationship to you, to coerce you into having or to force you to have an abortion. By law, we cannot perform an abortion on you unless we have your freely given and voluntary consent. It is against the law to perform an abortion on you against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened criminal offense to coerce an abortion.
- (b) The sign shall be painted in languages appropriate for the majority of clients of the hospital with lettering that is legible and that is Arial font, at least 40-point bold-faced type.
- (c) A hospital in which abortions are performed that is not a private physician's office or ambulatory surgical treatment center shall post the required sign in the admissions or registration department used by patients on whom abortions are performed.
- (d) A hospital shall be assessed a civil penalty by the board for licensing health care facilities of two thousand five hundred dollars (\$2,500.00) for each day of violation in which:
 1. The sign required above was not posted during business hours when patients or prospective are present; and
 2. An abortion other than an abortion necessary to prevent the death of the pregnant female was performed in the hospital.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Rule 1200-08-01-.06 Basic Services is further amended by deleting subparagraph (9)(b) in its entirety, including its parts, and substituting instead the following language, so that as amended, the new subparagraph (9)(b) shall read:

- (9) (b) The hospital must designate a person, either directly or by contractual agreement, to serve as the food and dietetic services director with responsibility for the daily management of the dietary services. The food and dietetic services director shall be:
 - 1. A qualified dietitian; or,
 - 2. A graduate of a dietetic technician or dietetic assistant training program, correspondence or classroom approved by the American Dietetic Association; or,
 - 3. An individual who has successfully completed in-person or online coursework that provided ninety (90) or more hours of classroom instruction in food service supervision. If the course has not been completed, this person shall be enrolled in a course and making satisfactory progress for completion within the time limit specified by the course requirement; or,
 - 4. An individual who is a certified dietary manager (CDM), or certified food protection professional (CFFP); or,
 - 5. A current or former member of the U.S. military who has graduated from an approved military dietary manager training program.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-02
Standards for Prescribed Child Care Centers
Amendments

Rule 1200-08-02-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (4)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any Prescribed Child Care Center (PCCP) without having a license. A license shall be issued only to the applicant named and only for the premises listed in the application for licensure. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the PCCP.
- (4) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Rule 1200-08-02-.06 Basic Services is amended by deleting part (4)(b)3 in its entirety and adding new parts (4)(b) 4 and 5, and substituting instead the following language, so that as amended, the new parts shall read:

3. An individual who has successfully completed in-person or online coursework that provided ninety (90) or more hours of classroom instruction in food service supervision. If the course has not been completed, this person shall be enrolled in a course and making satisfactory progress for completion within the time limit specified by the course requirement; or,
4. An individual who is a certified dietary manager (CDM), or certified food protection professional (CFFP); or,
5. A current or former member of the U.S. military who has graduated from an approved military dietary manager training program.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-06
Standards for Nursing Homes
Amendments

Rule 1200-08-06-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (5)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (5)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any nursing home without having a license. A license shall be issued only to the applicant named and only for the premises listed in the application for licensure. Satellite facilities shall be prohibited. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the nursing home.
- (5) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Rule 1200-08-06 Basic Services is amended by deleting subparagraph (9)(b) in its entirety, including its parts, and substituting instead the following language, so that as amended, the new subparagraph (9)(b) shall read:

- (9) (b) The nursing home must designate a person, either directly or by contractual agreement, to serve as the food and dietetic services director with responsibility for the daily management of the dietary services. The food and Dietetic services director shall be:
 1. A qualified dietitian; or,
 2. A graduate of a dietetic technician or dietetic assistant training program, correspondence or classroom approved by the American Dietetic Association; or,
 3. An individual who has successfully completed in-person or online coursework that provided ninety (90) or more hours of classroom instruction in food service supervision. If the course has not been completed, this person shall be enrolled in a course and making satisfactory progress for completion within the time limit specified by the course requirement; or,
 4. An individual who is a certified dietary manager (CDM), or certified food protection professional (CFFP); or,

5. A current or former member of the U.S. military who has graduated from an approved military dietary manager training program.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-10
Standards for Ambulatory Surgical Treatment Centers
Amendments

Rule 1200-08-10-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (5)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (5)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any ASTC without having a license. A license shall be issued only to the applicant named and only for the premises listed in the application for licensure. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the ASTC.
- (5) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Rule 1200-08-10-.04 Administration is amended by adding new paragraph (27) as follows:

(27) Informed Consent

- (a) Any ambulatory surgical treatment center in which abortions, other than abortions necessary to prevent the death of the pregnant female, are performed shall conspicuously post a sign in a location defined below so as to be clearly visible to patients, which reads:

Notice: It is against the law for anyone, regardless of the person's relationship to you, to coerce you into having or to force you to have an abortion. By law, we cannot perform an abortion on you unless we have your freely given and voluntary consent. It is against the law to perform an abortion on you against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened criminal offense to coerce an abortion.

- (b) The sign shall be painted in languages appropriate for the majority of clients of the facility with letter in that is legible and that is Arial font, at least 40-point bold-faced type.
- (c) A facility in which abortions are performed that is an ambulatory surgical treatment center shall post the required sign in each patient waiting room and patient consultation room used by patients on whom abortions are performed.
- (d) An ambulatory surgical treatment center shall be assessed a civil penalty by the board for licensing health care facilities of two thousand five hundred dollars (\$2,500.00) for each day of violation in which:
 1. The sign required above was not posted during business hours when patients or prospective are present; and

2. An abortion other than an abortion necessary to prevent the death of the pregnant female was performed in the ambulatory surgical treatment center.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Rule 1200-08-10-.06 is amended by deleting subparagraph (6)(g) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (6)(g) shall read as follows:

- (g) When inhaled general anesthesia known to trigger malignant hypothermia and/or succinylcholine are maintained in the facility, there shall be thirty-six (36) ampules of Dantrolene for injection onsite. This requirement applies to anesthesia agents, current or future, that are shown to cause malignant hypothermia. If Dantrolene is administered, appropriate monitoring must be provided post-operatively.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-11 Standards for Homes for the Aged Amendments

Rule 1200-08-11-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (4)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any home for the aged without having a license. A license shall be issued only to the applicant named and only for the premises listed in the application for licensure. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the facility.
- (4) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-15 Standards for Residential Hospices Amendments

Rule 1200-08-15-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (4)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any residential hospice without having a license. A license shall be issued to the person or persons named and for the premises listed in the application for licensure and for the geographic areas specified by the certificate of need or at the time of the original licensing. The name of the residential hospice shall not be changed without first notifying the department in writing.

Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the residential hospice.

- (4) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-24
Standards for Birthing Centers
Amendments

Rule 1200-08-24-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (4)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any birthing center without having a license. A license shall be issued only to the applicant named and only for the premises listed in the application for licensure. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the facility.
- (4) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-25
Standards for Assisted-Care Living Facilities
Amendments

Rule 1200-08-25-.03 Licensing Requirements is amended by deleting paragraph (4) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (4) and subparagraph (4)(b) shall read:

- (4) ACLF licenses expire annually on the anniversary date of their original issuance.
- (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-26
Standards for Home Care Organizations Providing Home Health Services

Amendments

Rule 1200-08-26-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (4)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any home care organization providing home health services without having a license. A license shall be issued to the person or persons named and for the premises listed in the application for licensure and for the geographic areas specified by the certificate of need or at the time of the original licensing. The name of the home care organization providing home health services shall not be changed without first notifying the department in writing. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the agency.
- (4) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-27 Standards for Home Care Organizations Providing Hospice Services Amendments

Rule 1200-08-27-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (4)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any home care organization providing hospice services without having a license. A license shall be issued to the person or persons named and for the premises listed in the application for licensure and for the geographic areas specified by the certificate of need or at the time of the original licensing. The name of the home care organization providing hospice services shall not be changed without first notifying the department in writing. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the agency.
- (4) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-28 Standards for HIV Supportive Living Facilities Amendments

Rule 1200-08-28-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (4)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any HIV supportive living facility without having a license. A license shall be issued to the person or persons named and for the premises listed in the application for licensure at the time of the original licensing. The name of the HIV supportive living facility shall not be changed without first notifying the department in writing. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the HIV supportive living facility.

- (4) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-29
Standards for Home Care Organizations Providing Home Medical Equipment
Amendments

Rule 1200-08-29-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (4)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any home care organization providing home medical equipment without having a license. A license shall be issued to the person or persons named and for the premises listed in the application for licensure. The name of the home care organization providing home medical equipment shall not be changed without first notifying the department in writing. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the agency.
- (4) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Rule 1200-08-29-.06 Basic Agency Functions is amended by deleting subparagraph (5)(c) in its entirety, and substituting instead the following language, so that as amended, the new subparagraph (5)(c) shall read:

- (5) (c) Be used for the dispensing, servicing, and storage of home medical equipment or be used to provide home medical equipment services.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-32
Standards for End Stage Renal Dialysis Clinics
Amendments

Rule 1200-08-32-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and

subparagraph (4)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any renal dialysis clinic without having a license. A license shall be issued only to the person or persons named and only for the premises listed in the application for licensure. Satellite facilities shall be prohibited. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the renal dialysis clinic.
- (4) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-34
Standards for Home Care Organizations Providing Professional Support Services
Amendments

Rule 1200-08-34-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (4)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (4)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any home care organization providing professional support services without having a license. A license shall be issued only to the person or persons named and only for the premises listed in the application for licensure. The name of the agency shall not be changed without first notifying the department in writing. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the agency.
- (4) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-35
Standards for Outpatient Diagnostic Centers
Amendments

Rule 1200-08-35-.02 Licensing Procedures is amended by deleting paragraph (1) and subparagraph (5)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (1) and subparagraph (5)(b) shall read:

- (1) No person, partnership, association, corporation, or state, county or local government unit, or any division, department, board or agency thereof, shall establish, conduct, operate, or maintain in the State of Tennessee any outpatient diagnostic center as defined, without having a license. A license shall be issued only to the person or persons named and only for the premises listed in the

application for licensure. Licenses are not transferable or assignable and shall expire annually on the anniversary date of their original issuance. The license shall be conspicuously posted in the outpatient diagnostic center.

- (5) (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

Chapter 1200-08-36
Standards for Adult Care Homes – Level 2
Amendments

Rule 1200-08-36-.02 Licensure and Renewal is amended by deleting paragraph (6) and subparagraph (6)(b) in their entirety, and substituting instead the following language, so that as amended, the new paragraph (6) and subparagraph (6)(b) shall read:

- (6) Renewal. ACH licenses expire annually on the anniversary date of their original issuance and must be renewed by that date.
- (b) If a licensee fails to renew its license prior to the date of its expiration but submits the renewal form and fee within sixty (60) days thereafter, the licensee may renew late by paying, in addition to the renewal fee, a late penalty of one hundred dollars (\$100) per month for each month or fraction of a month that renewal is late; provided that the late penalty shall not exceed twice the renewal fee.

Rule 1200-08-36-.02 Licensure and Renewal is amended by deleting parts (14)(b)1., 2., and 3. in their entirety, and substituting instead the following language, so that as amended, the new parts (14)(b)1., 2., and 3. shall read:

1. A Level 2 adult care home provider serving residents with traumatic brain injury shall hold a national certification by the Academy of Certified Brain Injury Specialists as a certified brain injury specialist (CBIS) or be licensed as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional or licensed mental health professional trained and experienced in the care of and rehabilitation of residents with traumatic brain injury, or shall employ a resident manager who meets the qualifications specified in Rule 1200-36-01-.15(b)(2).
2. A Level 2 resident manager serving residents with traumatic brain injury shall hold a national certification by the Academy of Certified Brain Injury Specialists as a certified brain injury specialist (CBIS) or be licensed as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional or licensed mental health professional trained and experienced in the care of and rehabilitation of residents with traumatic brain injury.
3. A substitute caregiver for a Level 2 ACH serving residents with traumatic brain injury shall hold a national certification by the Academy of Certified Brain Injury Specialists as a certified brain injury specialist (CBIS) or be licensed as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional or licensed mental health professional trained and experienced in the care and rehabilitation of residents with traumatic brain injury and shall demonstrate competency in caring for persons with traumatic brain injury.

Authority: T.C.A. §§ 4-5-201, 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-209(a)(1), 68-11-210, 68-11-216 and Chapter 635 of the Public Acts of 2012.

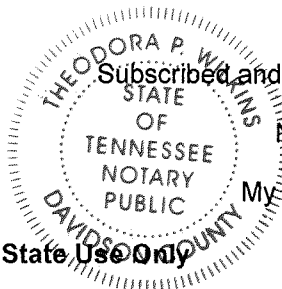
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: February 28, 2013

Signature: [Signature]

Name of Officer: Diona E. Layden
Deputy General Counsel

Title of Officer: Department of Health



Subscribed and sworn to before me on: 2/28/13

Notary Public Signature: Theodora P. Watkins

My commission expires on: 11/3/15

Department of State Use Only

Filed with the Department of State on: 2/28/13

[Signature]

Tre Hargett
Secretary of State

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